

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Establishment of Rule Governing Procedures to)	CI Docket No. 02-32
Be Followed When Informal Complaints Are Filed)	
By Consumers Against Entities Regulated by the)	
Commission)	
)	
Amendment of Subpart E of Chapter 1 of the)	CC Docket No. 94-93
Commission's Rules Governing Procedures to Be)	
Followed When Informal Complaints Are Filed)	
Against Common Carriers)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-175

REPLY COMMENTS OF WORLDCOM, INC.

WorldCom, Inc. ("WorldCom") hereby submits its reply to comments filed in response to the above-captioned notice of proposed rulemaking ("Notice").¹

WorldCom's comments were limited to the Commission's proposed changes to the existing rules governing informal complaints. In its reply, WorldCom briefly addresses comments in opposition to WorldCom's positions.

WorldCom disagrees with the Texas Office of Public Utility Counsel's ("Texas") suggestion that service providers have a centralized number for consumer complaints. WorldCom already has a toll-free number for customer service for complaints and

¹ In the Matter of Establishment of Rule Governing Procedures to Be Followed When Informal Complaints Are Filed By Consumers Against Entities Regulated by the Commission, Amendment of Subpart E of Chapter 1 of the Commission's Rules Governing Procedures to Be Followed When Informal Complaints Are Filed Against Common Carriers, 2000 Biennial Regulatory Review, Memorandum Opinion and Order and Notice of Proposed Rulemaking, CI Docket No. 02-32, CC Docket No. 94-93, CC Docket No. 00-175, FCC 02-46 (rel. Feb. 28, 2002).

inquiries. One point of contact for the entire company is impractical due to the variety of services. WorldCom will work with the Commission to have a contact for urgent matters. Additional information and documentation should accompany consumer complaints because service providers need such data in order to quickly and properly research the consumer's issue. While WorldCom has data for presubscribed customers, it does not maintain this data for long on its premises.

WorldCom maintains its position that service providers need the full 30 days to respond to complaints, sometimes more time is necessary. Adopting a response period that is unrealistic for service providers serves no purpose. WorldCom also continues to advocate for a two-year statute of limitations period. Section 415 does not distinguish between informal and formal complaints. The relate back period should not be increased because it would create uncertainty. The current relate back period is sufficient.

WorldCom opposes the Office of the People's Counsel for the District of Columbia's ("DC") suggestion that the Commission stay pending disconnections or allow payment installments during pendency of complaint. This task would be monumental for the Commission and is unnecessary to protect the customer. Consistent with state requirements, the customer receives several written and oral warnings before long distance service is blocked. The customer has plenty of time to contact WorldCom via a letter, email, or telephone call.

Initial Contact with the Service Provider

In its comments, WorldCom recommended that, for those consumers who call in to the Commission's call centers, the Commission refer those consumers to their service

providers. WorldCom Comments at 2-3. This would satisfy both WorldCom's and the Commission's goals -- the staff can assure the consumers that they will always have access to the informal complaint process but at the same time, consumers could take advantage of a more expedient way to resolve their concerns.

Texas, however, recommended that regulated entities such as WorldCom be required to have a centralized phone number dedicated to consumer complaints. (Texas Comments at 2). This is unnecessary. As SBC Communications, Inc. ("SBC") pointed out, customers are already directed to specific offices that can respond to questions about particular services and products. Like SBC and other common carriers, WorldCom includes a toll-free number on its bills and websites that customers can call for complaints and inquiries. SBC Comments at 2-3. While Texas criticized service providers for having telephone systems that involve transfers of the customers, this is the only practical option. Because a variety of products and services are offered, it is critical that the consumer is directed to the department that can most efficiently respond to their complaint or inquiry.

To the extent that Texas proposes that consumers be required to first contact the regulated entity at one point of contact, this proposal is inconsistent with the Commission's objectives. In the *Notice*, the Commission expressly stated its reluctance to require consumers to contact their service provider before filing an informal complaint. *Notice* at ¶ 9. Specifically, the Commission was reluctant to have such a blanket requirement. The Commission wants consumers to have access to a consumer-friendly informal complaint process. *Id.*

Furthermore, WorldCom, for one, does not have the resources to dedicate a separate point of contact for *all* complaints. *See also*, SBC Comments at 2; Verizon Wireless Comments at 3. WorldCom provides different services and cannot provide one point of contact for all of its services and products. For this reason, a single point of contact as a matter of course, is infeasible.

Because the Commission encouraged consumers to first address their concerns directly with the service provider before proceeding with a complaint with the Commission, and the Commission currently refers WorldCom customers directly to the company if the customer has an urgent matter, WorldCom offered to work with the Commission to provide a single point of contact or a toll free number in these instances.

Form and Content of Informal Consumer Complaints

WorldCom agreed that consumers should include additional information with their complaints, such as their name, telephone number, address and account number, if appropriate; the service provider's name and address; details about the product or service at issue; facts supporting the claim of the alleged violation; a copy of the invoice or correspondence giving rise to the dispute; the relief sought; a contact number where they can be reached during business hours; the name of the account representative if they have it, and copies of relevant contract provisions. WorldCom Comments at 3-4.

Texas opposes onerous filing requirements for consumers. Among other things, Texas objected to the recommendation that consumers include a copy of their bill because the service provider already has a copy of the bill. Texas Comments at 3. WorldCom disagrees.

Service providers need this information in order to resolve customer complaints. As AT&T pointed out, consumers have an obligation to exercise appropriate diligence in preparing and submitting their complaints and inquiries. AT&T Comments at 2-3. The more thorough the complaint is, the better the service provider can investigate and respond in a satisfactory manner to the consumer. As WorldCom pointed out in its comments, if a customer fails to include a copy of an invoice, and WorldCom cannot find an account for the customer, WorldCom will not be able to quickly resolve the issue until an invoice is received. WorldCom can view invoices for presubscribed customers, but not for consumers who use dial-around services or accept collect calls. In addition, after a certain period of time, invoices are archived and retrieval requires additional time. In short, missing information can result in delays in responding to the complaint. Requiring additional information will, in the end, result in faster resolution of the customer's complaint. Verizon Wireless Comments at 4.

Responses to Informal Complaints

DC proposed expediting the resolution process and reducing lag time by requiring service providers to respond to complaints within 20 days from receipt. DC Comments at 6. While Texas found that thirty days was a reasonable period of time within which to respond, it recommended that the Commission codify that responses be filed no later than 30 days from receipt. Texas Comments at 4. Neither of these proposals is feasible.

As WorldCom stated in its comments, a specific time frame for company responses should not be adopted. WorldCom Comments at 4. While companies attempt to respond to the Commission as promptly as possible, service providers often need a minimum of 30 days to internally process complaints, research the customer's account

and formulate a response, particularly if the complaint is older or complex and requires additional research. AT&T Comments at 3; Verizon Wireless Comments at 6; SBC Comments at 4. Companies also need flexibility to request extensions to respond to complaints that raise complex issues, particularly where business accounts are involved. Adopting a rule that imposes an unrealistic time frame upon service providers will serve no purpose other than to falsely raise consumers' expectations of receiving faster responses.

Review and Disposition of Informal Consumer Complaints

WorldCom and other service providers strongly believe that a time limit is necessary for informal complaints. AT&T Comments at 8; Verizon Wireless Comments at 6-7; SBC Comments at 5; WorldCom Comments at 4. Any complaint, whether formal or informal, that is filed pursuant to section 208 for monetary damages, should be constrained by the statute of limitations in section 415(b) of the Communications Act of 1934, as amended.

Texas proposes that there be no statute of limitations for informal complaints. Texas at 4. While Texas recognizes that a limitations period should apply to formal complaints, it believes informal complaints should not be so restricted because they provide the Commission with valuable information about the marketplace. *Id.* There is nothing in the Act or the Commission's rules that justifies a different limitations period. As Verizon Wireless pointed out, section 415 does not distinguish between formal and informal complaints. Verizon Wireless Comments at 6. Section 415 applies to all complaints filed seeking recovery of damages. Verizon Wireless is correct that most customers seek monetary relief in some form – refund or credits. *Id.* at 7.

Moreover, Texas' reasoning is faulty. Informal complaints that go back beyond two years will not provide the Commission with valuable information about the marketplace. Only relatively current complaints can do that. Texas also claims that the Commission can educate consumers about their rights in the marketplace. Texas Comments at 4. The Commission already does this through its website, call centers and its rules. A statute of limitations period is a legal issue and is completely irrelevant to the Commissions' consumer education efforts.

Finally, Texas states that regulated entities should not be required to keep records indefinitely. *Id.* While WorldCom certainly agrees with this point, it is inconsistent with Texas' claim that no statute of limitations period apply to informal complaints. If service providers do not retain the records beyond the Commission's record retention requirement of eighteen months, there will be no way to respond to consumer complaints going beyond two years.² 47 C.F.R. §§ 42.6, 7. Beyond two years, the records will not exist to address customer concerns.

Time Period for Relating Back of Formal Complaints

There is strong support in the record against increasing the time period for relating back of formal complaints. AT&T Comments at 7-9; SBC Comments at 4-5; Verizon Comments at 1-4; Verizon Wireless Comments at 9; WorldCom Comments at 5. Such a rule modification would only create uncertainty. Texas commented in favor of the increase in time for relating back, but it appears that Texas does not understand that consumers currently have six months from the date of the carrier's response to file a formal complaint. Consumers will not have to choose between filing an informal or

formal complaint. There is no requirement that customers first file an informal complaint as a pre-requisite to a formal complaint. If there is a strong preference for a formal complaint, complainants can avoid the informal complaint process completely.

Increasing the time for relating back formal complaints will in many cases result in open ended deadlines for filing formal complaints. Verizon Wireless Comments at 8. Delays will impact retention requirements, service providers' ability to develop a complete response to the allegations. Verizon Comments at 4. As WorldCom stated in its comments, there is no need to delay the time period for filing a formal complaint based on staff dispositions. WorldCom Comments at 10. Once the carrier or service provider's response is received, the customer knows whether or not the response is satisfactory or whether or not additional steps are necessary.

Stay of Pending Disconnect Orders

DC proposed that the Commission stay any pending disconnect orders or require service providers to segregate disputed amounts from the total bill and allow the consumer to make payments on the balance due until the complaint is resolved. DC Comments at 7. WorldCom strongly opposes this recommendation.

As an administrative matter, this would be an overwhelming burden for the Commission to undertake. It would require reviewing thousands of complaints per month to determine whether or not a service disruption was at issue. Then, the Commission would need to contact the service provider before even serving the complaint in order to effect a stay of disconnection. This approach is unworkable.

² Overall, WorldCom retains records for two years because of the statute of limitations period in section 415.

Furthermore, consumers can reach their telephone providers to discuss their bills by calling, writing or emailing customer service. Consumers' long distance services are not blocked without notice. It is WorldCom's practice to send two notices before customers' long distance service is blocked. This gives them plenty of time to contact their service provider. In addition, for local service disconnections, almost all states have disconnection notification requirements. Customers generally contact their state commissions with urgent matters. Customers also call this Commission with urgent inquiries. In these instances, the Commission refers the consumer directly to a WorldCom contact to quickly address the matter. DC's proposal is both unnecessary and impractical.

CONCLUSION

For the foregoing reasons, WorldCom urges the Commission to adopt its proposals.

Respectfully submitted,

WORLDCOM, INC.

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Dated: May 31, 2002

Certificate of Service

I, Lonzena Rogers, do hereby certify, that on this thirty-first day of May, 2002, I have caused a true and correct copy of WorldCom, Inc.'s Reply Comments in the matter of CI Docket No. 02-32, CC Docket Nos. 94-93 and 00-175 to be served by e-mail and facsimile on the following:

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